

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Anthony Prentice,

Plaintiff

v.

Charles Daniels, et al.,

Defendants

Case No. 2:21-cv-00369-JAD-VCF

**Order Granting Unopposed
Motions to Dismiss and Seal
and Closing Case**

[ECF Nos. 35, 36]

Pro se plaintiff Anthony Prentice is an inmate at Nevada's High Desert State Prison. He brings this action to challenge the shortcomings in his facility's response to the COVID-19 pandemic. Defendants Stacy Barrett, Jeremy Bean, Borrowan, Julio Calderin, Clayton, Corey, Corrujedo, Charles Daniels, Faulkner, Graham, Calvin Johnson, V. Johnson, Michael Miner, G. Piccinini, Sia, T. Struck, and Harold Wickham move to dismiss Prentice's claims against them in a joint motion.¹ They also ask to seal confidential, internal policy-and-procedure documents submitted in support of their motion.²

The November 2, 2021, deadline to oppose those motions passed without response or request to extend the deadline to file one. Local Rule 7-2(d) provides that "[t]he failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion." I apply Local Rule 7-2(d) and deem plaintiff's failure to oppose these motions as his consent to granting them. Accordingly,

¹ ECF No. 35.

² ECF No. 36.

1 IT IS HEREBY ORDERED that the Motion to Dismiss [ECF No. 35] is **GRANTED**.
2 **This action is DISMISSED in its entirety. The Clerk of Court is directed to ENTER**
3 **JUDGMENT accordingly and CLOSE THIS CASE.**

4 IT IS FURTHER ORDERED that the Motion for Leave to File Exhibits under Seal [ECF
5 No. 36] is **GRANTED**. Although “[t]he public has a ‘general right to inspect and copy public
6 records and documents including judicial records and documents,’”³ defendants have “overcome
7 the strong presumption of access by providing ‘sufficiently compelling reasons’ that override the
8 public policies favoring disclosure,”⁴ as the documents presented at ECF No. 37 are internal
9 policies of the facility, which are kept confidential for staff-safety reasons. **The Clerk of Court**
10 **is directed to maintain the seal on ECF No. 37.**

11 Dated: November 10, 2021

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13 U.S. District Judge Jennifer A. Dorsey
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³ *In re Midland Nat. Life Ins. Co. Annuity Sales Practices Litig.*, 686 F.3d 1115, 1119 (9th Cir. 2012) (quoting *Nixon v. Warner Commcns., Inc.*, 435 U.S. 589, 597 (1978)).

⁴ *Id.* (quoting *Foltz*, 331 F.3d at 1135).